

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
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*Executive Director*

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July 24, 2023

**BY ECF**

The Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re: United States v. Nesar Mohammed (a/k/a Haji Najibullah)  
(S2) 14 Cr. 401 (KPF)**

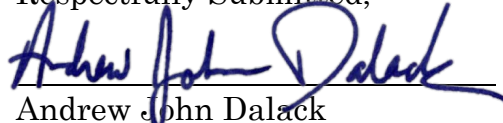
Dear Judge Failla:

I write in advance of the conference scheduled for tomorrow, July 25, 2023, at 10:00a.m. in the above-captioned case, and specifically with respect to the current Rule 12 motion schedule.

The defense's omnibus motion is currently due on July 28, 2023. However, because the Court has indicated that it will rule on Mr. Mohammed's pending motion to compel via an oral decision tomorrow, the defense respectfully requests that the Court adjust the Rule 12 motion schedule by four weeks to afford the defense adequate time to digest and incorporate the Court's decision into its briefing. Thus, the defense omnibus motion would be due August 25 2023; the Government's response due October 27, 2023; and the defense reply due November 10, 2023. The Government does not object to this application, and the parties agree that this proposed shift in the schedule need not affect the December 14, 2023, conference on the Rule 12 motions, nor the May 6, 2024, trial date.

I thank the Court for its consideration of this application.

Respectfully Submitted,



Andrew John Dalack  
Mark B. Gombiner  
Samuel I. Jacobson  
Ariel C. Werner

Cc: Government Counsel

Application GRANTED.

The Clerk of Court is directed to terminate the pending motion at docket number 90.

Dated: July 24, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE